

REMARKS

I. Status of Claims

Claims 21-22 and 28-33 are pending in the application. Claims 1-21 and 23-27 were previously canceled.

II. Double Patenting

Claims 21-22 and 28-32 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4, 7, 9-11, 16 and 20 of U.S. Patent No. 7,041,875.

Applicants respectfully traverse the rejection and its supporting remarks. However, in the interests of expediting prosecution, Applicants have filed a terminal disclaimer. Both the instant application and the cited patent are owned by the inventors, which are the same for both the application and cited patent. A terminal disclaimer to overcome non-statutory obviousness type double patenting is therefore available under MPEP § 804.02(II). Attached herewith are a new terminal disclaimer accompanied by signed papers granting power of attorney to the undersigned. The undersigned is now an attorney of record and therefore authorized to sign a terminal disclaimer.

III. Objection

Claim 33 is objected to as being dependent upon a rejected base claim. In view of the terminal disclaimer submitted herewith, Applicants respectfully assert that this objection is now moot.

IV. Conclusion


In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is

determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No.: 03-1952** referencing **Docket No.: 595792000121**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: June 27, 2008

Respectfully submitted,

By  _____
Patricia I. Tsao
Registration No.: 50,713

MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: 415.268.6642
Fax: 415.268.7522